

12247

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA <p style="text-align: center;">Plaintiff(s)</p> <p style="text-align: center;">vs.</p> <p>[5] JOSEPH KIRKLAND</p> <p style="text-align: center;">Defendant(s)</p> <p>-----</p>	CRIMINAL NO. 21-082 (ADC) VIOLATIONS: (Count One) 18 USC §§ 1349 and 1343 (Counts Two to Eighteen) 18 USC §§ 1343 & and 2 (Counts Nineteen to Thirty Three) 18 USC §§ 1957 and 2 Forfeiture Allegation 18 USC §§ 981, 982; 21 USC § 853; 28 USC § 2461; and Rule 32.2(a) F.R.C.P. (THIRTY THREE COUNTS)
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**MOTION REQUESTING THE
CONTINUANCE OF THE SENTENCING HEARING**

TO THE HONORABLE COURT:

COMES NOW, co-defendant [5] Joseph Kirkland, through his undersigned counsel who very respectfully States and Prays:

1. This case is set to have the sentencing hearing on February 7, 2023 at 1:30 PM;
2. At the moment that this request is being presented, the appearing defendant has not been interviewed and the dates for it to take place have been set for either Monday January 9 or Tuesday January 10 at 2:00 PM local time, since he resides in California;
3. Based on the above schedule, the PreSentence Report will not be available for the parties with enough time for its review, analysis, objections and/or corrections for the set sentencing date;
4. A continuance of the sentencing hearing is hereby requested that will allow the Probation Officer in charge enough time to perform the interview, prepare the report

and disclose the same with enough time for the defense to adequately review it and peruse the same with client allowing time for a sentencing memorandum to be prepared and timely filed;

5. A 30 day continuance is hereby requested and should be enough;
6. The dates of March 9 and 10, 2023 are being offered as available in undersigned's working calendar.

WHEREFORE it is respectfully prayed from the court that the herein requested continuance be Granted.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico on this the 4th day of January, 2023.

S/ *Benito J. Rodríguez-Massó*

BENITO I. RODRÍGUEZ MASSÓ

USDC/PR 124801

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CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of said filing to all attorneys of record.

S/ *Benito J. Rodríguez-Massó*

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